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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,216	07/24/2001	Adrian Philip Wise	94101503(GB)USD1 PDDD	8133
22887 7590 01/29/2007 DISCOVISION ASSOCIATES 2265 E. 220TH STREET LONG BEACH, CA 90810			EXAMINER YENKE, BRIAN P	
			ART UNIT	PAPER NUMBER
			2622	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/29/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/912,216

Applicant(s)

WISE, ADRIAN PHILIP

Examiner

BRIAN P. YENKE

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment (04 Dec 06).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. Applicant's arguments filed 04 Dec 06 have been fully considered but they are not persuasive. The arguments pertain to the newly added limitation of claims 1 and 19, please see rejection below.

Drawings

2. The replacement drawing for Fig 1, now labeled "Prior Art" is approved by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 6-9, and 11-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Hurst, ,4523,227.

Regarding claim 1,

Hurst discloses a system for synchronizing a video signal having a first frame rate to a second frame rate comprising receiving at least one stored value indicative of the difference between the input rate and the output rate, performing at least one computation based on the at least one stored value, the result of the computation being used, in generating of the output sets

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of data, to control the insertion of additional sets of data or deletion of sets of data (see col. 3 line 32 - col. 4 line 19). Hurst discloses present and desired durations are provided to a calculator where they are inherently stored. The calculation, resulting in a ratio, is provided to a variable frequency oscillator and sync processor where a computation is preformed resulting control of insertion or deletion of sets of data.

Regarding the newly added limitation of reducing the stored value of the output rate and the input rate slope by a common factor, given the broadest reasonable interpretation, Hurst discloses that the averaged 8-bit video signals which derives a 9-bit sum due to a possible carry and then throwing away the least significant bit (LSB) to get back to eight bits. The result is the average of the two signals. Thus the reduction of the output and input rate by a common factor is the elimination of the LSB (col 9, line 10-18).

Regarding claim 2, Hurst discloses the input and output video signal comprises frames.

Regarding claims 6-7, Hurst discloses the claimed NTSC frames which satisfy a video broadcast standard (see col. 3 lines 32 - 45., it is noted that satisfying a video broadcast standard does not mean the frames are from an NTSC broadcast).

Regarding claims 8-9, Hurst discloses the rate of the input/output may conform to NTSC or PAL, which meets the 24, 25 or 30 frames per second, and the output rate of 50 or 60 (which are in fields per second).

In considering claim 11,

Refer to rejection of claim 1. In addition the claim recites a stored value which includes one of a positive incremental value and a negative incremental value.

Since Hurst discloses that based upon the input rate and the output rate, where the signal may need to be frequency shifted up/down and the system stores the appropriate/desired duration, the system would also store whether the system needs to be incremented (frequency) using a positive (up shift) and negative (down shift) value.

Regarding claims 12 - 13, Hurst discloses the claimed in which the at least one computation comprises a computation performed with respect to each of the input sets and the claimed in which the insertion or deletion of sets of data occurs at regular intervals (see col. 3 lines 9 - 20).

Regarding claim 14, Hurst discloses the ratio of the input rate to the output rate may be any arbitrary rate i.e. 2%, 4%, 5% etc (see col. 3 line 46 - col.4 line 20, col. 5 lines 44 - 46, col. 11 lines 39 - 49).

Regarding claim 15, Hurst discloses delivering the output sets of data at the output rate (see col. 3 lines 9 - 20).

Regarding claim 16, Hurst discloses if frames are added they are repeated or are "copies of one of the input sets of data" (see col. 3 lines 40 - 45).

Regarding claims 19-21, 26-30

The claims additionally recite a decoder and a logic unit in which the logic unit comprises hardware which is disclosed by Hurst (see col. 3 lines 32 - col. 4 line 19). See rejection for claim 1.

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Regarding claims 23 (both) and claim 24,

Hurst discloses the input and output video signal comprise

frames (see col. 3 lines 32 - 45). Hurst discloses the rate of the input/output may conform to NTSC or PAL, which meets the 24, 25 or 30 frames per second, and the output rate of 50 or 60 (which are in fields per second).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurst, 4523,227.

Regarding claims 3-4,

Hurst does not explicitly recite the use of compressed digital information, nor which complies with a data compression standard for video information, however since the concept of using analog or digital wherein the use of digital information (i.e. MPEG) uses compressed digital information pertaining to a compression standard, the examiner takes "OFFICIAL NOTICE" regarding such, since this standard is conventional in the art.

Regarding claim 5,

Hurst does not disclose the standards (i.e. JPEG, MPEG or H.261), however MPEG is a notoriously well known standard for compressing/decompressing video images, thus the examiner takes "OFFICIAL NOTICE" regarding such, since it's an industry known widely used standard in transmitting/receiving information.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (571)272-7359. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, David L. Ometz, can be reached at (571)272-7593.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571)-273-8300

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is

(703)305-HELP.

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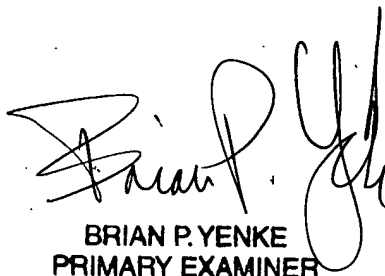
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For other technical patent information needs, the Patent Assistance Center can be reached through customer service representatives at the above numbers, Monday through Friday (except federal holidays) from 8:30 a.m. to 5:00 p.m. EST/EDT.

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B.P.Y
24 January 2007



BRIAN P. YENKE
PRIMARY EXAMINER